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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,844	05/25/1999	TAKAHIRO MATSUURA	35.C13538	9619

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EXAMINER

SUKHAPHADHANA, CHRISTOPHER T

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 06/05/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/317,844

Applicant(s)

MATSUURA ET AL.

Examiner

Christopher T. Sukhaphadhana

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 3 and 7-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because in **Fig 10**, ref no 41, 'serult' should be changed to -result-- and in **Fig 11**, ref no 51, 'obtaine' should be changed to --obtain--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-2, 4, 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogdanowicz et al (U.S. Patent 6,122,006) in combination with Mowry (U.S. Patent 5,457,491).

4. In regards to **claim 1**, Bogdanowicz discloses an image processing method comprising the step of: holding a profile for an input device and a profile for an output device (ref no S4 and S6, Fig 3, and col 3, lines 10-43); and correcting a color of the input image data by using prepared tables (ref no S4 and S6, Fig 3, and col 3, lines 10-43).

Bogdanowicz does not expressly disclose preparing a table to approximate a color reproducibility of output target film as to a color reproducibility of the input image data on the basis of the profile for the input device and the profile for the output target film.

Mowry teaches the above table preparation step (Fig 6 and col 13, lines 47-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the table preparation step of Mowry into the method of Bogdanowicz because such a table preparation would decrease the processing time of Bogdanowicz's color correction step (i.e. reference one table instead of two).

5. In regards to **claim 2**, Mowry further discloses in col 9, lines 24-29, the data corresponding to a gray chart described in the profile for the input device and the profile for the output target film.

6. In regards to **claim 4**, Bogdanowicz further discloses in col 3, lines 35-43, the table prepared for each of color components of the input image data.

7. In regards to **claims 12-13**, all the elements set forth in this claim have been addressed in the argument of claim 1.

8. **Claims 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogdanowicz et al (U.S. Patent 6,122,006) and Mowry (U.S. Patent 5,457,491) as applied to claim 1 above, in further combination with Furukawa et al (*Super high definition image digitizing system*, 1992).

9. In regards to **claim 5**, Bogdanowicz and Mowry disclose an image processing method comprising correcting a color of input image data as addressed in claim 1.

Bogdanowicz and Mowry do not expressly disclose the step of emphasizing an edge in a highlighted portion of the color-corrected image data.

Furukawa teaches the step of edge emphasis on p III-530, section 3.3.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the step of edge emphasis from Furukawa with the method of Bogdanowicz and Mowry because such a step is well-known in the art to improve edge visibility of the image.

10. In regards to **claim 6**, Bogdanowicz and Mowry do not expressly disclose performing a white balance correction using a look up table prepared on the basis of a highlighted point and a shadow point of the input image data; and performing color correction for the image data obtained by the white balance correction.

Furukawa teaches on p III-531, section 3.4, performing white balance and color correction as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the steps of white balance and color correction from Furukawa with the method of Bogdanowicz and Mowry because such a step is well-known in the art to improve the aesthetics of the image.

#### ***Allowable Subject Matter***

11. **Claims 3, 7-11** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Examiner's Comments***

12. Consider adding the word --simulated-- before the expression 'output target film' in claims 1, 2, 5, 12, and 13. This addition would bring the claims closer to the invention disclosed

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in the specification (e.g. the paragraph bridging p 13-14, where the conversion to tone characteristics of silver halide simulates the output target film characteristic profile of the silver halide film). Otherwise, the "output target film" could broadly be interpreted as e.g. the ink pattern on a printer, thus opening the claims to possible rejections with art relating to gamut color-correction. The "simulated" output target film characteristic profile would then serve as a contrast to the "real" ink patterns.

### *Conclusion*

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher T. Sukhaphadhana whose telephone number is 703-306-4148. The examiner can normally be reached on 9a-4p M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

CTS

CTS

May 30, 2003

  
BHAVESH M. MEHTA  
SUPERVISORY PATENT EXAMINER  
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